



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE, SUITE 3200
DES MOINES, IOWA 50309-2721

COPY MAILED

NOV 09 2005

In re Application of
Robert Ungemach et al
Application No. 10/523,504
Filed: June 6, 2005
Attorney Docket No. P05841US00

:
:
:
:
:
:

OFFICE OF PETITIONS

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(d)

This is a decision on the petition under 37 CFR §1.102(d), filed September 8, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

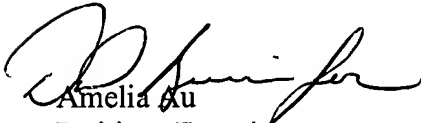
Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3743 for action on the merits commensurate with this decision.


Amelia Au
Petitions Examiner
Office of Petitions

RECEIVED
CENTRAL FAX CENTER

SEP 08 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : UNGEMACH, Robert et al.
SERIAL NO : 10/523,504
FILED : June 6, 2005
TITLE : IMRT REINFORCED THERMOPLASTIC PATIENT RESTRAINTS

Grp./A.U. : 3743
Examiner :
Conf. No. : 1298
Docket No. : P05841US00

RECEIVED
SEP 14 2005
OFFICE OF PETITIONSPETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
(37 C.F.R. § 1.102 and M.P.E.P. § 708.02)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby petitions to make this application special because of actual infringement.

The attached Declaration of David Van Gorp, CEO of the assignee of the above-identified invention, states the following:

1. There is an infringing device or product actually on the market.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 3743 at Fax No. (571) 273-8300.

Date:

9/8/05

KIRK M. HARTUNG

PAGE 2/5 * RCVD AT 9/8/2005 5:11:59 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-6725 * DNIS:2738300 * CSID:5152881338 * DURATION (mm:ss):01:42

11/09/2005 AKELLEY 00000005 260084 10523504

01 FC:1464 130.00 DA